

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LAVVAN, INC.,

Plaintiff,

-v-

AMYRIS, INC.,

Defendant.

20-CV-7386 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

After the parties failed to comply with this Court’s directive to file a “joint status letter” (ECF No. 76), Lavvan now opposes Amyris’s letter motion to file a version of its status letter containing a few scattered and largely innocuous redactions. (*See* ECF No. 79.) Amyris’s redacted filing is understandable, given that the parties’ agreement deems matters relating to the arbitration “confidential.” Moreover, under *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006), the presumption of public access to litigation filings does not attach until a document becomes a “judicial document,” meaning that it is “relevant to the performance of the judicial function and useful in the judicial process.” *Id.* at 119. Nevertheless, the Court ultimately agrees with Lavvan that *Lugosch* does not justify the redactions in this letter because (1) the fact of the arbitration and its general timing have become public in this case in connection with the parties’ dispute on arbitrability and the Second Circuit appeal, and (2) because the timing of the arbitration will necessarily be relevant to the parties’ arguments regarding a contemplated stay in this case, the redacted portions of the letter will be “judicial documents” if they are not already.

The parties are directed to continue their discussions regarding further proceedings in this case, including discussions on whether a stay is warranted. The parties shall file a joint letter

addressing each party's position by February 15, 2023, at 5:00 P.M. EST. If the parties are again unable to complete a joint letter, each party shall file its own letter by February 16, 2023, at 5:00 P.M. EST.

Defendant's letter motion to seal (ECF No. 79) is DENIED, and the status report dated February 1, 2023 (ECF No. 80) shall be unsealed and docketed on ECF.

SO ORDERED.

Dated: February 9, 2023  
New York, New York

  
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J. PAUL OETKEN  
United States District Judge